Jew



**PATENT** 5681-78600

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patrick Petit			§ §	Group Art Unit: 2154						
	ck i cut		§	Examiner:	Unknown					
Serial No.: 10/765,828			§ §	Attorney Docket: 5681-78600						
Filed: January 27, 2004			% % %	I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:						
For:	Overload Management in an Application-Based Server		00 00 00 00 00 00		B. Noël Kivlin Registered Representative					
INFORMATION DISCLOSURE STATEMENT										
	issioner for Pa ngton, D.C. 20									
Sir:										
	Applicant req	uests consideration	of X the	references lis	ted on the attached Form PTO-					
1449 a	nd/or  the a	dditional informatio	on identifi	ed below in pa	aragraph 3.					
Pursuant to CFR §1.98(a)(2)(i), copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed.  A copy of each non-U.S. patent and/or non-U.S. patent application publication reference listed on the Form PTO-1449 is enclosed.  The non-U.S. patent and/or non-U.S. patent application publication references listed on the Form PTO-1449 were previously cited in application serial no.  to which the captioned application is seeking priority under 35 U.S.C. §120; therefore, a copy of each reference is not enclosed.										
1.	This Information Disclosure Statement is submitted:									
	<ul> <li>a.  within 3 months of the filing date of a national application other that continued prosecution application under § 1.53(d);</li> <li>within 3 months of the date of entry of the national stage as set forth 1.491 in an International application;</li> <li>before the mailing date of a first Office Action on the merits; or</li> </ul>									

			before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.		
	b.		after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:   the certification of paragraph 2 below is provided, or a fee of \$180.00 is enclosed.		
	c.		after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.		
2.	It is hereby certified:				
		was ci	ach item of information contained in this Information Disclosure Statement ted in a communication from a foreign patent office in a counterpart foreign ation not more than three months prior to the filing of the Statement, or		
		was ci applica makin	ted in a communication from a foreign patent office in a counterpart foreign ation or, to the knowledge of the person signing the certification after g reasonable inquiry, was known to any individual designated in § 1.56 (c) han three months prior to the filing of the Statement.		
3.			deration of the following additional information (including any co-pending ndoned U.S. applications, prior uses and/or sales, etc.) is requested:		
4.	For ea	each non-English language reference listed on the attached Form PTO-1449			
		referei	nce is made to an English language translation submitted herewith, and/or		
			nce is made to a foreign patent office search report (in the English language) tted herewith, and/or		
			nce is made to an English language translation of a foreign patent office report submitted herewith, and/or		
			nce is made to the concise explanation contained in the specification of the t application at page(s), and/or		
		referer	nce is made to the concise explanation set forth below:		
5.		Applic	cant also offers the following comments for the Examiner's consideration:		
6.		Also e	nclosed is a copy of a foreign search report citing these references.		

- 7. The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
- 8. Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5681-78600/BNK.

Respectfully submitted,

B. Noel Kivlin Reg. No. 33,929

Attorney for Applicant(s)

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

P. O. Box 398 Austin, Texas 78767 (512) 853-8800

Date: \_\_\_\_9-13-05

Form PTO-1449 (modified)			ATTY. DK	SER	SERIAL NO. 10/765,828							
List of Patents and Publications P E For Applicant's Information			APPLICAN	GRC	GROUP: 2154							
Disclosure Statemen (Use several sheets if necessary) SEP 15			MU2 A)	- Onc	701. <i>213</i> 4							
(U:	se severa	d sheets if necessary) SEP 1	HILING DA									
PATENT DOCUMENTS												
EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE					
	B1	5,249,290	September 28, 1993	Heizer								
	B2	5,878,224	March 2, 1999	Smith								
	В3	6,249,801	June 19, 2001	Zisapel, et al.								
	B4	6,836,785	December 28, 2004	Bakshi, et al.								
•	В6	6,832,239	December 14, 2004	Kraft, et al.								
		FOR	REIGN PATE	NT DOCUMENTS								
EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES/NO					
<del></del>												
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)												
	 					·						
				<del> </del>								
	<u>.                                    </u>											

**EXAMINER:** 

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.